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GOVERNMENT GAZETTE
BOLETIM OFICIAL

F.III/2-9/65/2221

V. S. Srinivasagopalan, Dy. Secretary (Finance).
Panjim, 2nd November, 1965.

New Delhi, the September 9, 1965
Bhadra 18/1887/Saka

F.8(3)-ST/65

Deputy Secretary to the Government of India.

L.D. 37/65

Panjim, 18th October, 1965.

2. Insertion of new Chapter and sections after section 145.—In Part VIII of the 43 of 1951. Representation of the People Act, 1951, after section 145, the following Chapter and sections shall be inserted, namely:—

«CHAPTER IV

Powers of Election Commission in connection with Inquiries as to Disqualifications of Members

146. Powers of Election Commission. —
(1) Where in connection with the tendering of any opinion to the President under article 103 or, as the case may be, under sub-section (4) of section 14 of the Government of Union Territories Act, 1963, or to the Governor under article 192, the Election Commission considers it necessary or proper to make an inquiry and the Commission is satisfied that on the basis of the affidavits filed and the documents produced in such inquiry by the parties concerned of their own accord, it cannot

come to a decisive opinion on the matter which is being inquired into, the Commission shall have, for the purposes of such inquiry, the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following 5 of 1908. matters, namely: —

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document or other material object producible as evidence;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or a copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents.

(2) The Commission shall also have the power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, the subject matter of the inquiry.

(3) The Commission shall be deemed to be a civil court and when any such offence, as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code, is committed in the view or presence of the Commission the Commission may after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898, forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 482 of the Code of Criminal Procedure, 1898. 45 of 1960. 5 of 1898.

(4) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code.

146A. Statements made by persons to the Election Commissions. — No statement made by a person in the course of giving evidence before the Election Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement —

- (a) is made in reply to a question which he is required by the Commission to answer, or
- (b) is relevant to the subject-matter or the inquiry.

146B. Procedure to be followed by the Election Commission. — The Election Commission shall have the power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private).

146C. Protection of action taken in good faith. — No suit, prosecution or other legal proceeding shall lie against the Commission or any person acting under the direction of the Commission in respect of any-

thing which is in good faith done or intended to be done in pursuance of the foregoing provisions of this Chapter or of any order made thereunder or in respect of the tendering of any opinion by the Commission to the President or, as the case may be, to the Governor or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings.

Notification

LD 39/65

The Press and Registration of Books (Amendment) Act, 1965, passed by the Central Government, is hereby published for general information.

Kant Desai, Under Secretary.

Panjim, 18th October, 1965.

The Press and Registration of Books (Amendment) Act, 1965

An Act further to amend the Press and Registration of Books Act, 1867.

Be it enacted by Parliament in the Sixteenth Year of the Republic of India as follows: —

1. Short title and commencement. — (1) This Act may be called the Press and Registration of Books (Amendment) Act, 1965.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 1. — Section 1 of the Press and Registration of Books Act, 1867 (hereinafter referred to as the principal Act) shall be re-numbered as sub-section (1) thereof, and —

(a) in sub-section (1) as so re-numbered, the definition of «India» shall be omitted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely: —

«(2) Any reference in this Act to any law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law in force in that State.».

3. Insertion of new section 5A. — After section 5 of the principal Act, the following section shall be inserted, namely: —

“5A Keepers of printing presses and printers and publishers of newspapers in Jammu and Kashmir to make and subscribe fresh declarations within specified period. — (1) No person who has made and subscribed a declaration in respect of any press under section 4 of the Jammu and Kashmir State Press and Publications Act, Jammu S. 1939 shall keep the press in his and possession for the printing of books Kashmir or papers after the expiry of a period Act No. I of two months from the date of commencement of the Press and Registration of Books (Amendment) Act, 1965 of S. 1939.

unless before the expiry of that period he makes and subscribes a fresh declaration in respect of that press under section 4 of this Act.

(2) Every person who has subscribed to any declaration in respect of a newspaper under section 5 of the Jammu and Kashmir State Press and Publications Act, S. 1989 shall cease to be the editor, printer or publisher of the newspaper mentioned in such declaration after the expiry of a period of two months from the date of commencement of the Press and Registration of Books (Amendment) Act, 1965 unless before the expiry of that period he makes and subscribes a fresh declaration in respect of that newspaper under rule (2) of the rules laid down in section 5 of this Act.»

4. Amendment of section 22. — In section 22 of the principal Act, the words «except the State of Jammu and Kashmir» shall be omitted.

Legislature Department

LA/3370/65

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the assent of the President of India on the 27th October 1965, and is hereby published for general information.

The Goa, Daman and Diu Salaries and Allowances of Ministers (Amendment) Act, 1965

(No. 19 of 1965) [27th October, 1965]

An Act to amend the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Sixteenth Year of the Republic of India as follows: —

1. Short title and commencement. — (1) This Act may be called the Goa, Daman and Diu Salaries and Allowances of Ministers (Amendment) Act, 1965.

(2) It shall be deemed to have come into force on the 1st day of April, 1964.

2. Amendment of section 6 of GDD Act 3 of 1965. — In section 6 of the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964 (hereinafter referred to as «the principal Act»), —

(a) in sub-section (2), after the words «as may be determined by rules made» the words «by Government» shall be inserted;

(b) after sub-section (3) the following sub-section shall be added, namely: —

«(4) All Rules made under sub-section (2) shall be laid before the Legislative Assembly as soon as may be after they are made, for a period of 14 days and shall be subject to such modifications as the Assembly may make during the period they are so laid».

3. Amendment of section 8 of GDD Act 3 of 1965. — In section 8 of the principal Act, the word and figure «Grade I» shall be deleted.

4. Amendment of Schedule to GDD Act 3 of 1965. — In the Schedule to the principal Act, for the words and figures «Class I Grade I Officers» wherever they occur the words «First Grade Officers» shall be substituted.

Secretariat P. B. VENKATASUBRAMANIAN
Panjim, Secretary to the Government of Goa,
November 4, 1965 Daman and Diu.

LA/3371/65

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the assent of the President of India on the 27th October 1965, and is hereby published for general information.

The Goa, Daman and Diu Khadi and Village Industries Board (Amendment) Act, 1965

(No. 20 of 1965) [27th October, 1965]

An Act to amend the Goa, Daman and Diu Khadi and Village Industries Board Act, 1965.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Sixteenth Year of the Republic of India as follows. —

1. Short title, extent and commencement. — (1) This Act may be called the Goa, Daman and Diu Khadi and Village Industries Board (Amendment) Act, 1965.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint in this behalf.

2. Amendment of section 4 of GDD Act 9 of 1965. — In section 4 of the Goa, Daman and Diu Khadi and Village Industries Board Act, 1965 (hereinafter referred to as the principal Act), —

(i) in sub-section (1), for the words «not less than fifteen and not more than twentyfive members» the words «nine members» shall be substituted;

(ii) in sub-section (2), after the words «by Government» the words «in consultation with the Khadi and Village Industries Commission» shall be inserted;

(iii) in sub-section (3), after the words «may appoint» the words «in consultation with the Khadi and Village Industries Commission» shall be inserted;

(iv) in sub-section (4), after the words «with the Board» the words «and the Khadi and Village Industries Commission» shall be inserted.

3. Amendment of section 5 of GDD Act 9 of 1965. — In section 5 of the principal Act, in sub-section (1), after the words «Government shall appoint» the words «in consultation with the Khadi and Village Industries Commission» shall be inserted.

4. Amendment of section 24 of GDD Act 9 of 1965. — In section 24 of the principal Act, —

(i) for the existing sub-section (1), the following shall be substituted, —

«(1) The Board shall have two separate funds to be called the Khadi fund and the Village Industries Fund and all monies received by the Board for the

development of Khadi or Village Industries and all receipts from Khadi and Village Industries shall be credited to the Khadi fund or the Village Industries fund, as the case may be, and all payments by the Board for or in respect of Khadi or Village Industries shall be made from the appropriate fund:

Provided, however, that if at any time, the amount available in either of the two funds referred to above, excluding gifts, grants, donations or benefactions is in excess of the requirements of that fund and the amount available in the order fund is insufficient to meet the requirements of that fund, the Board may, with the previous approval of Government, transfer from the first mentioned fund the excess amount or such part thereof as may be necessary to the other fund».

(ii) In sub-section (3), for the word «fund» the word «funds» shall be substituted.

5. Amendment of section 27 of GDD Act 9 of 1965. — (1) In section 27 of the Principal Act, —

(i) in sub-section (1), for the words «the budget in the prescribed form for the next financial year» the words «two separate budgets in the prescribed form for the next financial year, to be called the khadi budget and the village industries budget» shall be substituted;

(ii) for sub-section (3), the following shall be substituted, —

«(3) The Board may within the respective limits of the khadi budget and the village industries budget sanction reappropriation from one Head of expenditure to another or from a provision made for one scheme to that in respect of another, but subject to the provisions of the proviso to sub-section (1) of section 24, in no case shall a reappropriation of funds be made from the khadi budget to the village industries budget, or from the village industries budget to the khadi budget:

Provided that no reappropriation from the head «Loan» to any other head of expenditure and *vice versa* in the budget shall be sanctioned by the Board except with the previous approval of Government and the Khadi and Village Industries Commission».

6. Amendment of section 30 of GDD Act 9 of 1965. — In section 30 of the principal Act, in sub-section (1) after the words «as Government» where they occur for the second time, the words «or the Khadi and Village Industries Commission» shall be inserted.

7. Amendment of section 31 of GDD Act 9 of 1965. — In section 31 of the principal Act, in sub-sections (5) and (6) after the words «as Government» the words «or the Khadi and Village Industries Commission» shall be inserted.

8. Amendment of section 35 of GDD Act 9 of 1965. — In section 35 of the principal Act, for sub-section (3) the following shall be substituted, —

«(3) Government may, by notification, modify or rescind any regulation made under that section, and thereupon the regulation shall stand modified accordingly, or cease to have effect».

Secretariat

Panjim

November 4, 1965

P. B. VENKATASUBRAMANIAN

Secretary to the Government of Goa,
Daman and Diu.

Industries and Labour Department

Notification

LC/2/65/A

The following draft of the rules which are proposed to be made by the Lieutenant Governor of Goa, Daman and Diu, in exercise of the powers conferred on him by Section 32 of the Workmen's Compensation Act, 1923, as extended to the Union Territory of Goa, Daman and Diu, is hereby prepublished as required by Section 34 of the said Act. Any suggestions with regard to the draft rules may please be communicated to the undersigned before 1-2-1966 after which the draft will be taken into consideration:

PART I

Preliminary

1. Short title. — These Rules may be called the Goa, Daman and Diu Workmen's Compensation Rules, 1965.

2. Definitions. — In these Rules unless there is anything repugnant in the subject or context: —

a) The «Act» means the Workmen's Compensation Act, 1923.

b) «Form» means a form appended to these Rules.

c) «Section» means a section of this Act.

PART II

Scales of Costs and the fees payable in respect of proceedings before a Commissioner

3. Costs. — (1) Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing.

(2) The costs which may be awarded shall include —

(a) the charges necessarily incurred on account of court fees;

(b) the charges necessarily incurred on subsistence money to witnesses; and

(c) pleaders' fees on the scale prescribed in the following rule.

(3) In any proceeding involving an application for compensation in the form of a lump sum, an application for review or an application for indemnification, the fee allowed shall be of a sum not less than Rs. 15 and not more than Rs. 150 for such proceedings.

(4) When a party engages more pleaders than one to conduct or defend the case, he shall be allowed one set of costs only.

(5) When several defendants having substantially one defence to make employ several pleaders, they shall be allowed one set of costs only. In such cases, it will be for the applicant, at the time of hearing, to ask for a direction of the Court that separate costs be not allowed.

(6) When two or more defendants having separate substantial defences have engaged the services of one pleader, they shall be allowed separate sets of costs. In this case, it will be for the defendants interested to apply at the hearing for separate costs.

(7) When several defendants having separate defences are represented by separate pleaders, they shall be entitled to separate costs.

(8) The Commissioner shall, out of the amount deposited as compensation and costs, arrange to disburse the amount of compensation and costs in accordance with the order made in that behalf.

4. Fees. — The amount of fees for the different types of proceedings shall be as set out below:

Sr. No.	Description of Proceedings	Amount of fees
I. Application for compensation: —		
(a)	Where compensation is claimed in the form of recurring payment	Fifty paise
(b)	Where compensation is claimed in the form of a lump sum	One rupee where the sum does not exceed Rs. 500 plus one rupee for each additional sum of Rs. 500 or fraction thereof.
II. Applications for commutation: —		
(a)	By agreement between the parties	Fifty paise
(b)	In all other case	Two rupees
III. Application for the deposit of compensation: —		
(a)	Under section 8(1) of the Act	Nil
(b)	Under section 8(2) of the Act (in respect of each person to whom compensation is payable)	Fifty paise
IV. Applications for distribution by dependants, for each dependant		
		One rupee
V. Applications for review: —		
(a)	Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments	Fifty paise
(b)	Where the half-monthly payments are sought to be converted into a lump sum	Two rupees
(c)	In all other cases	One rupee
VI. Applications for the registration of agreements: —		
(a)	Where the application or the memorandum of agreement is signed by both parties	Nil
(b)	In all other cases	Fifty paise
VII. Applications to summon witnesses: —		
(a)	For the first witness mentioned in the application	Fifty paise
(b)	For every subsequent witness	Twenty five paise
VIII. Applications for indemnification		
		Three rupees
IX. Applications for the recovery of compensation: —		
(a)	Under an order already passed by the Commissioner	Fifty paise
(b)	In all other cases	The same fees as payable on a similar application for compensation.
X. All applications not otherwise provided for		
		Fifty paise

N. B. — In the case of an application falling under the head X the Commissioner may, if he thinks fit, permit the application to be made without fee.

5. Applicant may be required to deposit excess fees. — If in any case the Commissioner considers that he ought to pass orders granting relief of a different kind or to a different extent from that claimed by

the applicant, and if the fee which would have been payable by the applicant on an application for the relief which the Commissioner considers to be due is greater than the fee which has actually been paid, the Commissioner may require the applicant to deposit fees to the extent of the difference.

PART III

Maintenance of Registers, Language of the Court Records, Certified Copies and Allowance to Witnesses

6. Register of applications. — All applications presented to the Commissioner shall be registered in a register in Form A.

7. Register of fatal accidents. — Every Commissioner shall maintain a separate register in Form B of fatal accidents which come to his knowledge either on account of deposits made by or on behalf of employers, or because of applications made by dependants of a deceased workman for an order for deposit and payment of compensation.

8. Register of non-fatal accidents. — Every Commissioner shall maintain a separate register in Form C of non-fatal accidents which come to his knowledge in any of the following ways: —

- (1) On account of applications for registration of memoranda of agreements.
- (2) On account of applications for commutation of half-monthly payments.
- (3) On account of amount of compensation deposited with the Commissioner under section 8(2).
- (4) On account of applications for settlement of claim made by the injured workman.

9. Language of the record. — The record of the Commissioner shall be kept in the English language.

PART IV

10. Fees to assessors. — Where in pursuance of the provisions of sub-section (2) of section 20 any person possessing special knowledge of any matter relevant to the case under inquiry is chosen by the Commissioner to assist him in holding the same, he shall be entitled to such fee as the Commissioner may fix, subject to a maximum of rupees fifty and a minimum of rupees twenty:

Provided that he shall be entitled to an additional fee of rupees ten —

- (a) for each extra case if he is required to sit in more than one case on the same day; and
- (b) for each of the second and third days of any case.

PART V

Notice under Section 10A and the Statement by the Employee in reply thereto

11. The notice sent by a Commissioner under sub-section (1) of section 10-A shall be in Form D and shall be accompanied by a copy of Form E.

12. The statement submitted by an employer under section 10-A shall be in Form E.

PART VI

13. Display of notices containing abstracts of the Act, by employers. — Notices containing abstracts from the Act together with the designation and full

English and in a language understood by the majority of workmen and shall be maintained in a clear and legible condition. The abstracts of the Act shall be in Form 'F'.

FORM A

Register of Applications for the year 19...

[illegible][illegible]

FORM B

Register of fatal accidents for the year 19 . . .

[illegible]

FORM C

Register of non-fatal accidents for the year 19...

[illegible]

FORM D

(See rule 11)

Whereas I have received information that (1) , a workman employed by you in (2) has died as the result of an accident arising out of and in the course of his employment, I hereby require you in accordance with section 10-A of the Workmen's Compensation Act, 1923, to submit to me within thirty days of the receipt of this notice the enclosed Form with the particulars required in paragraphs 1, 2 and 3 and the particulars required in either paragraph 4 or 5 duly filled in. In the event of your admitting liability to pay compensation, the necessary deposit must, under section 10-A(2) of the said Act, be made within thirty days of the receipt of this notice.

Commissioner for Workmen's Compensation.

Dated 19 .

- (1) Insert name of workman.
- (2) Insert name of establishment.

FORM E

(See rule 12)

1. In reply to your notice dated the 19 which was received by me on the , it is submitted that (1) residing at , a workman over/under 15 years of age employed in (2) met with an accident on the 19 as a result of which he died on the 19 . The monthly wages of the deceased amounted to Rs.

2. The circumstances in which the deceased met his death were as follows:

3. The deceased left the following dependants (3)

*4. I admit liability to pay as compensation, on account of the deceased's death, the amount of Rs. which was/will be deposited with you on/before the 19 .

*5. I disclaim liability to pay compensation on account of the deceased's death on the following grounds:—

Employer.

- (1) Insert name of workman.
- (2) Insert name of establishment.
- (3) Insert names and addresses where known.

* One of these paragraphs to be struck out.

FORM F

(See rule 13)

Abstracts of the Workmen's Compensation Act, 1923

1. Definitions—Section 2(1), Section 2(1) (d) —

(a) 'Dependant' means any of the following relatives of a deceased workman, namely:—

(i) a widow, a minor legitimate son and unmarried legitimate daughter, or widowed mother; and

(ii) if wholly dependant on the earnings of the workman at the time of his death, a son or a daughter who has attained the age of 18 years and who is infirm;

(iii) if wholly or in part dependant on the earnings of the workman at the time of his death, —

- (a) a widower,
- (b) a parent other than a widowed mother,
- (c) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or illegitimate if married and a minor or if widowed and a minor,
- (d) a minor brother or an unmarried sister or a widowed sister if a minor,
- (e) a widowed daughter-in-law,
- (f) a minor child of a pre-deceased son,
- (g) a minor child or a pre-deceased daughter where no parent of the child is alive, or
- (h) a paternal grand parent if no parent of the workman is alive;

(b) Section 2(1) (g) — 'Partial disablement' means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time; provided that every injury specified in Schedule I, shall be deemed to result in permanent partial disablement;

(c) Section 2(1) (1) — 'Total disablement' means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement; provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent.

(d) Section 2(1) (n) — 'Workman' means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purpose of the employer's trade or business) who is—

(i) employed, otherwise than in a clerical capacity or on Railways Act, 1890, not permanently employed—in any administrative, district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II, or

(ii) employed on monthly wages not exceeding four hundred rupees, in any such capacity as is specified in Schedule II whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of the Armed Forces of the Union; and any reference to a workman who has been injured shall, where the workman is dead, includes a reference to his dependants or any of them.

SCHEDULE II

List of persons who, subject to the provisions of section 2(1) (n), are included in the definition of workmen

The following persons are workmen within the meaning of section 2(1) (n) and subject to the provisions of that section, that is to say, any person who is—

(i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of a lift or a vehicle propelled by steam or other mechanical power or by electricity or in connection with the loading or unloading, of any such vehicle; or

(ii) employed, otherwise than in a clerical capacity, in any premises wherein or within the precincts whereof a manufacturing process as defined in clause (k) of section 2 of the Factories Act, 1948, is being carried on, or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made (whether or not employment in any such work is within such premises or precincts), and steam, water or other mechanical power or electrical power is used; or

(iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof twenty or more persons are so employed;

(Explanation. — For the purposes of this clause, persons employed outside such premises or precincts but in any work incidental to, or connected with, the work relating to making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article shall be deemed to be employed within such premises or precincts; or)

(iv) employed in the manufacture or handling of explosives in connection with the employer's trade or business; or

(v) employed, in any mine as defined in clause (j) of section 2 of the Mines Act, 1952, in 35 of 1952 any mining operation or in any kind of work, other than clerical work, incidental to, or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground; or

(vi) employed as the matter or as a seaman of —

- (a) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled; or
- (b) any ship not included in sub-clause (a), of twenty-five tons net tonnage or over; or
- (c) any sea-going ship not included in sub-clause (a) or sub-clause (b) provided with sufficient area for navigation under sails alone; or

(vii) employed for the purpose of—

(a) loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any

ship of which he is not the master or a member of the crew, or handling or transport within the limits, of any port subject to the Indian Ports Act, 1908, of goods which have been discharged 15 of 1908 from or are to be loaded into any vessel; or

- (b) warping a ship through the lock; or
- (c) mooring and unmooring ships at harbour wall berths or in pier; or
- (d) removing or replacing dry dock caissons when vessels are entering or leaving dry docks; or
- (e) the docking or undocking of any vessel during an emergency; or
- (f) preparing splicing coir springs and check wires, painting depth marks on lock-sides, removing or replacing fenders whenever necessary, landing of gangways, maintaining life-buoys up to standard or any other maintenance work of a like nature; or
- (g) any work on jolly-boats for bringing a ship's line to the wharf; or

(viii) employed in the construction, maintenance, repair or demolition of—

- (a) any building which is designed to be or is or has been more than one storey in height above the ground or twelve feet or more from the ground level to the apex of the roof; or
- (b) any dam or embankment which is twelve feet or more in height from its lowest to its highest point; or
- (c) any road, bridge, tunnel or canal; or
- (d) any wharf, quay, sea-wall or other marine work including and moorings of ships; or

(ix) employed in setting up, maintaining, repairing or taking down any telegraph or telephone line or post or any overhead electric line or cable or post or standard or fitting and fixtures for the same; or

(x) employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal, pipe-line, or sewer; or

(xi) employed in the service of any fire brigade; or

(xii) employed upon a railway as defined in clause (4) of section 3, and sub-section (1) of section 143 of the Indian Railways Act, 1890 either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration; or

(xiii) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service, (or as a telegraphist or as a postal or railway signaller) or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department; or

(xiv) employed, otherwise than in a clerical capacity, in connection with operations for winning natural petroleum or natural gas; or

(xv) employed in any occupation involving blasting operations; or

(xvi) employed in the making of any excavation in which on any one day of the preceding twelve months more than (twenty-five) persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds (twelve) feet; or

(xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or

(xviii) employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing (cardamom) cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been so employed; or

(xix) employed, otherwise than in a clerical capacity in the generating, transforming or supplying of electrical energy or in the generating or supplying of gas; or

(xx) employed in a lighthouse as defined in clause (d) of section (2) of the Indian Lighthouse Act, 1927; or

17 of 1927

(xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or

(xxii) employed in the training, keeping or working of elephants or wild animals; or

(xxiii) employed in the tapping of palm-trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forest fire; or

(xxiv) employed in operation for the catching or hunting of elephants or other wild animals; or

(xxv) employed as a driver; or

(xxvi) employed in the handling or transport of goods in, or within the precincts of—

- (a) any warehouse or other place in which goods are stored, and in which on any one day of the preceding twelve months ten or more persons have been so employed; or
- (b) any market in which on any one day of the preceding twelve months (fifty) or more persons have been so employed; or

(xxvii) employed in any occupation involving the handling and manipulation of radium or X-rays apparatus, or contact with radio-active substances; or

(xxviii) employed in or in connection with the construction, erection, dismantling, operation or maintenance of an aircraft as defined in section 2 of the Indian Aircraft Act, 1934; or

22 of 1934

(xxix) employed in farming by tractors or other contrivances driven by steam or other mechanical power or by electricity; or

(xxx) employed, otherwise than in a clerical capacity, in the construction, working, repair or maintenance of a tube-well; or

(xxxi) employed in the maintenance, repair or renewal of electric fitting in any building; or

(xxxii) employed in a circus; or

(xxxiii) Persons employed for the purpose of loading or unloading any mechanically propelled vehicles, or in the handling of transport of goods which have been loaded in to any mechanically propelled vehicle; or

(xxxiv) Persons employed in any occupation ordinarily involving out-door work by any Municipality; or

(xxxv) Persons employed in handling tractors or other mechanical contrivances on a farm.

Explanation.—In this Schedule, «the preceding twelve months» relates in any particular case to the twelve months ending with the day on which the accident in such case occurred.

2. Section 3(1) — Employer's liability for compensation — If personal injury is caused to a workman by accident arising out of and in the course of his employment his employer shall be liable to pay compensation in accordance with the provision of Chapter II of the Act, provided that the employer shall not be so liable —

(a) In respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding three days;

(b) In respect of any injury, not resulting in death caused by an accident which is directly attributable to—

- (i) the workman having been at the time thereof under the influence of drink or drugs, or
- (ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workman, or
- (iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen.

3. Section 4 — Amount of compensation — Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:—

(a) where death results from the injury and the deceased workman has been in receipt of monthly wages falling within limits shown in the first column of Schedule IV, the amount shown against such limits in the second column thereof;

(b) where permanent total disablement results from the injury and the injured workman has been in receipt of monthly wages falling within limits shown in the first column of Schedule IV, the amount shown against such limits in the third column thereof;

(c) where permanent partial disablement results from the injury —

- (i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

- (ii) in the case of an injury not specified in Schedule I such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;

Explanation.—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries;

(d) where temporary disablement, whether total or partial, results from the injury and the injured workman has been in receipt of monthly wages falling within limits shown in the first column of Schedule IV, a half-monthly payment of the sum shown against such limits in the fourth column thereof, payable on the sixteenth day—

- (i) from the date of the disablement, where such disablement lasts for a period of twenty-eight days or more, or
- (ii) after the expiry of a waiting period of three days from the date of the disablement, where such disablement lasts for a period of less than twenty-eight days, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter;

Provided that—

(a) there shall be deducted from any lump-sum or half monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump-sum or of the first half-monthly payment, as the case may be; and

(b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident;

(2) On the ceasing of the disablement before the date on any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

SCHEDULE I

Part 1

List of injuries deemed to result in permanent total disablement

Serial No.	Description of injury	Percentage of loss of earning capacity
1	Loss of both hands or amputation at higher sites	100
2	Loss of a hand and a foot	100
3	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential	100
5	Very severe facial disfigurement	100
6	Absolute deafness	100
Amputation cases-upper limbs (either arm)		
1	Amputation through shoulder joint	90
2	Amputation below shoulder with stump less than 8" from tip of acromion	80
3	Amputation from 8" from tip of acromion to less than 4½" below tip of olecranon	70
4	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4½" below tip of olecranon	60
5	Loss of thumb	30
6	Loss of thumb and its metacarpal bone	40
7	Loss of four fingers of one hand	50
8	Loss of three fingers of one hand	30
9	Loss of two fingers of one hand	20
10	Loss of terminal phalanx of thumb	20
Amputation cases-lower limbs		
11	Amputation of both feet resulting in end bearing stumps	90

12	Amputation through both feet proximal to the metatarso-phalangeal joint	80
13	Loss of all toes of both feet through the metatarso-phalangeal joint	40
14	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	30
15	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
16	Amputation at hip	90
17	Amputation below hip with stump not exceeding 5" in length measured from tip of great trochanter	80
18	Amputation below hip with stump exceeding 5" in length measured from tip of great trochanter but not beyond middle thigh	70
19	Amputation below middle thigh to 3½" below knee	60
20	Amputation below knee with stump exceeding 3½" but not exceeding 5"	50
21	Amputation below knee with stump exceeding 5"	40
22	Amputation of one foot resulting in end-bearing	30
23	Amputation through one foot proximal to the metatarso-phalangeal joint	30
24	Loss of all toes of one foot through the metatarso-phalangeal joint	20

Other injuries

25	Loss of one eye, without complications, the other being normal	40
26	Loss of vision of one eye, without complications or disfigurement of eye-ball the other being normal	30

Loss of—A. Fingers of right or left hand Index-finger

27	Whole	14
28	Two phalanges	11
29	One phalanx	9
30	Guillotine amputation of tip without loss of bone	5

Middle finger

31	Whole	12
32	Two phalanges	9
33	One phalanx	7
34	Guillotine amputation of tip without loss of bone	4

Ring or little finger

35	Whole	7
36	Two phalanges	6
37	One phalanx	5
38	Guillotine amputation of tip without loss of bone	2

B. Toes of right or left foot Great toe

39	Through metatarso-phalangeal joint	14
40	Part, with some loss of bone	3

Any other toe

41	Through metatarso-phalangeal joint	3
42	Part, with some loss of bone	1

Two toes of one foot excluding great toe

43	Through metatarso-phalangeal joint	5
44	Part, with some loss of bone	2

Three toes of one foot excluding great toe

45	Through metatarso-phalangeal joint	6
46	Part, with some loss of bone	3

Four toes of one foot excluding great toe

47	Through metatarso-phalangeal joint	9
48	Part, with some loss of bone	6

Note—Complete and permanent loss of the use of any limb or member referred to in this schedule shall be deemed to be the equivalent of the loss of that limb or member.

SCHEDULE IV

Compensation payable in certain cases

Monthly wages of the workman injured	Amount of compensation for		Half-monthly payment as compensation of temporary disablement
	Death	Permanent total disablement	
1	2	3	4
More than Rs.	But not more than Rs.	Rs.	Rs.
0	10	1,000	1,400
			Half his monthly wages
10	13	1,100	1,540
13	18	1,200	1,680
18	21	1,260	1,764
21	24	1,440	2,016
24	27	1,620	2,268
27	30	1,800	2,520
30	35	2,100	2,940
35	40	2,400	3,360
40	45	2,700	3,780
45	50	3,000	4,200
50	60	3,600	5,040
60	70	4,200	5,880
70	80	4,800	6,720
80	100	6,000	8,400
100	150	7,000	9,800
150	200	7,000	9,800
200	300	8,000	11,200
300	400	9,000	12,600
400	—	10,000	14,000

4. Section 3(2) and (2-A) — Occupational diseases for which compensation is payable.

If a workman employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment, or if a workman, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months (which period shall not include a period of service under any other employer in the same kind of employment) in any employment specified in Part B of Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, or if a workman whilst in the service of one or more employers in any employment specified in Part C of Schedule III for such continuous period as the Central Government may specify in respect of each such employment, contracts any disease specified therein as an occupational disease peculiar to that employment the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the contrary is proved, the accident shall be deemed to have arisen out of and in the course of, the employment.

If any disease specified in Part C of Schedule III as an occupational disease peculiar to that employment has been contracted by any workman during the continuous period specified above in respect of that employment and the workman has during such period been employed in such employment under more than one employer, all such employers shall be liable for the payment of compensation under this Act in such proportion as the Commissioner may, in the circumstances, deem just.

SCHEDULE III

List of occupational diseases

Occupational disease	Employment
Part A	
Anthrax.	Any employment —
	(a) involving the handling of wool, hair, bristles or animal carcasses or part of such carcasses, including hides, hoofs and horns; or
	(b) in connection with animals infected with anthrax; or

(c) involving the loading, unloading or transport of any merchandise.

Compressed air illness or its sequelae.	Any process carried on in compressed air.
Poisoning by lead tetra-ethyl.	Any process involving the use of lead tetra-ethyl.
Poisoning by nitrous fumes.	Any process involving exposure to nitrous fumes.
Poisoning by Organic Phosphorus insecticides.	Any process involving the use or handling or exposure to the fumes, dust or vapour containing any of the organic phosphorus insecticides.

Part B

Poisoning by lead, its alloys or compounds or its sequelae excluding poisoning by lead tetra-ethyl.	Any process involving the handling or (use of lead ore or lead) or any of its preparations or compounds except lead tetra-ethyl.
Poisoning by phosphorus or its compounds, or its sequelae.	Any process involving the liberation of phosphorus or use or handling of phosphorus or its preparations or compounds.
Poisoning by mercury, its amalgams and compounds, or its sequelae.	Any process involving the use of mercury or its preparations or compounds.
Poisoning by benzene, or its homologues, their amido and nitroderivatives or its sequelae.	Any process involving the manufacture, liberation, or use of benzene, benzene homologues and their amido and nitroderivatives.
Chronic ulceration or its sequelae.	Any process involving the use of chromic acid or bichromate of ammonium potassium or sodium, or their preparations, or the manufacture of bichromate.
Poisoning by arsenic or its compounds, or its sequelae.	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Pathological manifestations due to —	Any process involving exposure to the action of radium, radio-active substances, or X-rays.
(a) radium and other radioactive substances;	
(b) X-rays.	
Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin or the compounds, products or residues of these substances.
Poisoning by halogenated hydrocarbons of the aliphatic series and their halogen derivatives.	Any process involving the manufacture, liberation and use of hydrocarbons of the aliphatic series and their halogen derivatives.
Poisoning by carbon disulphide or its sequelae.	Any employment in —
	(a) the manufacture of carbon disulphide; or
	(b) the manufacture of artificial silk by viscose process; or
	(c) rubber industry; or
	(d) any other industry involving the production or use of products containing carbon disulphide or exposure to emanations from carbon disulphide.
Occupational cataract due to infra-red radiations.	Any manufacturing process involving exposure to glare from molten material or to any other sources of infra-red radiations.
Telegraphist's cramp.	Any employment involving the use of telegraphic instruments.

Poisoning by manganese or a compound of manganese, or its sequelae.	Any process involving the use of, or handling of, or exposure to the fumes, dust or vapour of, manganese or a substance containing manganese.
Poisoning by —	Any process involving the use, handling or exposure to the fumes, dust, or vapour containing any of the organic phosphorus insecticides.
Organic phosphorous insecticides hexa-ethyl tetraphosphate (HETP), Tetraethylpyrophosphate (TEPP), and oo-diethyl o-p, nitro-phenyl-thiophosphate (PARATHION).	

Part IC

Silicosis.	Any employment involving exposure to the inhalation of dust containing silica.
Coal Miners' Pneumoconiosis	Any employment in coal mining.
Asbestosis.	Any employment in — (1) the production of — (i) fibre cement materials; or (ii) asbestos mill board; or (2) the processing of ores containing asbestos.
Bagassosis.	Any employment in the production of bagasse mill board or other articles from bagasse.

5. Section 9 — Compensation not to be assigned, attached or charged. — Save as provided by this Act, no lump-sum or half-monthly payment payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

6. Section 10 — Notice and claim — (1) No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within two years of the occurrence of the accident or, in case of death, within two years from the date of death.

Provided that, where the accident is the contracting of a disease in respect of which the provisions of sub-section (2) of section 3 are applicable, the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease:

Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the entertainment of a claim —

(a) if the claim is preferred in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred or

(b) if the employer or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed had knowledge of the accident from any other source at or about the time when it occurred:

Provided, further that the Commissioner may entertain and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been preferred, in due time as provided in this sub-section, if he is satisfied that the failure so to give the notice or prefer the claim, as the case may be, was due to sufficient cause.

(2) Every such notice shall give the name and address of the person injured and shall state in ordinary language

the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon any one of several employers or upon any person responsible to the employer, for the management of any branch of the trade or business in which the injured workman was employed.

(3) The State Government may require that any prescribed class of employers shall maintain at their premises at which workmen are employed notice-book, in the prescribed form which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting bona fide on his behalf.

(4) A notice under this section may be served by delivering it at, or sending it by registered post addressed to the residence or any office or place of business of the person on whom it is to be served, or, where a notice-book is maintained, by entry in the notice-book.

7. Section 12 — Contracting — (1) Where any person (hereinafter referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman, had been immediately employed by him and where compensation is claimed from the principal, this Act shall apply as if reference to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation he shall be entitled to be indemnified by the contractor, or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman could have recovered compensation and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

(3) Nothing herein shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal.

(4) This provision shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.

8. Section 17 — Contracting out — Any contract or agreement whether made before or after the commencement of the Workmen's Compensation Act, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act.

9. Section 22(3) — Form of application — If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Commissioner.

10. Section 24 — Appearance of parties: — Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or by an official of an Insurance Company or a registered Trade Union or by an Inspector appointed under sub-section (1) of section 3 of the Factories Act, 1948, or under sub-section (1) of section 5 of the Mines Act, 1952, or by any other officer specified by the State Government in this behalf, authorised in writing by such person, or, with the permission of the Commissioner by any other person so authorised.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

B. K. Chougule, Secretary, Industries and Labour Department.

Panjim, 12th October, 1965.

Notification

LC/2/65/B

The following draft of the rules which are proposed to be made by the Lieutenant Governor of Goa, Daman and Diu, in exercise of the powers conferred on him by Section 32 of the Workmen's Compensation Act, 1923, as extended to the Union Territory of Goa, Daman and Diu, is hereby prepublished as required by Section 34 of the said Act. Any suggestions with regard to the draft rules may please be communicated to the undersigned before 1-2-1966 after which the draft will be taken into consideration:

1. Short title and commencement. — (1) These rules may be called the Workmen's Compensation (Occupational Diseases) Rules, 1965.

(2) They shall come into force with effect on and from

2. Application. — These rules shall apply to all workmen employed in any employment mentioned in Part C of Schedule III of the Act.

3. Definitions. — In these rules, unless the context otherwise requires —

(a) «Act» means the Workmen's Compensation Act, 1923 (8 of 1923);

(b) «asbestosis» shall mean —

- (i) a pulmonary fibrosis which manifests itself radiologically as a ground glass appearance of the pulmonary field, of striations or reticular formations more or less marked, particularly diffuse at the bases or diffuse stippling or reticulation over extensive areas of both lung fields, whether or not accompanied by signs of pulmonary tuberculosis, and
- (ii) clinically, by the presence of asbestos bodies in the sputum, accompanied by tracheo-bronchitis and emphysema;

(c) «Bagassosis» means a disease which —

- (i) manifests itself as an acute allergic response due to sensitisation of the individual to bagasse dust, and
- (ii) radiologically, consists of increase in the vascular shadows and increase in haziness and reticulation all over the lungs and increase in the hilar densities and some mottling. In acute phases patchy shadows resembling bronchopneumonia may be seen;

(d) «Medical Board» means the Pneumoconiosis Medical Board constituted by the State Government under rule 4 or any Medical Board recognised by the State Government for the purpose of these rules.

(e) «pneumoconiosis» means silicosis or coal-miners pneumoconiosis or asbestosis or bagassosis or any of those diseases accompanied by pulmonary tuberculosis;

4. Constitution of Pneumoconiosis Medical Board. —

(1) The State Government shall constitute a Pneumoconiosis Medical Board for the conduct of medical examinations, submission of medical reports and the grant of medical certificates in pursuance of these rules:

Provided that with respect to workmen employed in mines, the State Government may recognise any Medical Board for the purpose of these rules.

(2) The Board constituted or recognised under sub-rule (1) shall consist of three qualified medical practitioners of whom one shall be a radiologist.

5. Medical conditions under which pneumoconiosis may be considered to be an occupational disease. —

(1) The diagnosis of pneumoconiosis shall be carried out with all the necessary technical guarantees. Proof of the degree development of the pathological or anatomical changes in the respiratory and cardiac systems shall be furnished by the radiographic record and other laboratory records, which shall be accompanied by the report of a full clinical examination, including a report of the industrial history of the person concerned, the record of all occupations in which he has been employed, the nature of the harmful dusts to which he was exposed and the duration of such exposure.

(2) For entitlement to compensation, silicosis and coal miners' pneumoconiosis shall fulfil the following radiological and clinical conditions:

(a) The radiological examination of the workmen must reveal —

- (i) the appearance of generalised micronodular or nodular fibrosis covering a considerable part of both lung fields whether accompanied or not by signs of pulmonary tuberculosis; or
- (ii) in addition to a marked accentuation of the pattern of both lungs, the appearance of one or several pseudotumoral fibrotic formations, whether accompanied or not by signs of pulmonary tuberculosis; or
- (iii) the appearance of both of these types of fibrotic lesions at once, whether accompanied or not by signs of pulmonary tuberculosis;

(b) Serial radiological pictures taken over a period during periodical medical examinations shall, as far as possible, be considered in making definite diagnosis in cases where doubt exists.

(c) Radiological interpretation shall be based on the standard International classification laid down by the International Labour Organisation (Geneva classification).

(d) The clinical examination of the workman concerned must reveal a decreased or deterioration of the respiratory function or cardiac function, or a deterioration of the state of general health, caused by the pathological processes specified above.

6. Evaluation of disablement. — (1) The evaluation of disablement shall be made by reference to the physical (anatomical, physiological, and functional) and mental capacity for the exercise of the necessary functions of a normally occupied life which would be expected in a healthy person of the same age and sex. For such assessment, recognised cardio-respiratory function tests shall be used to assess the degree of cardio-respiratory function impairment.

(2) It shall be determined whether the disablement is temporary or permanent and also the percentage loss of function as it pertains to the loss of working capacity for receiving compensation.

(3) Assessment of disablement shall be proportionate to the loss of earning capacity, total disablement being taken to be 100% loss of earning capacity.

Explanation: For the purpose of this rule, «permanent disablement» shall mean such disablement as is certified to be permanent by the Medical Board.

7. Certification of cases. — (1) The claim for compensation in respect of a workman contracting any disease specified in Part C of Schedule III to the Act shall be supported by a certificate issued by a qualified medical practitioner in the Form «A» appended to these Rules:

Provided that where the contracting of such a disease has resulted in death or permanent disablement of the workman the claim shall also be supported by an endorsement on the certificate, in the form «B» appended to these Rules, by the Medical Board, and in case of difference of opinion between the qualified medical practitioner and the Medical Board, the opinion of the Medical Board shall prevail.

FORM A

Certificate of disability/death

(See Rule 7)

This is to certify that Shri ... son of ... age ... years, is who died on ... suffering from pneumoconiosis/pneumococ-nosis with pulmonary tuberculosis, and the contracting of the disease is was reasonably attributable to his employment in ...

(1) Temporary disablement:

(a) The disability is in my opinion of a temporary nature likely to, last for years months. He is unfit for work in his present employment fit for ...

(State employment for which he is considered fit).

(2) Permanent disablement:

The disability is of a permanent nature and is assessed at ... per cent.

(3) Death

Death is attributable to the contracting of the disease.

(Cancel out portions not applicable)

Place ...

Date ...

Signature of the qualified
medical practitioner

FORM B

Endorsement to be made by Medical Board in cases of permanent disability or death

This is to certify that Shri ... is/was suffering from pneumoconiosis/pneumoconiosis with pulmonary tuberculosis, and the contracting of the disease is/was reasonably attributable to his employment in ...

(1) Permanent disability:

It is certified that the disability is of a permanent nature and is assessed at ... per cent.

(2) Death:

It is certified that the death of Shri ... is attributable to the contracting of the disease.

Place ...

Date ..

Signature of Members of
Medical Board

Note: — The Medical Board may call for any further information that may be considered necessary by it from the Medical Practitioner concerned before countersigning Certificate in case of death.

By order and in the name of the Lieutenant
Governor of Goa, Daman and Diu.

B. K. Chougule, Secretary to Government, Industries and Labour Department.

Panjim, 12th October, 1965.